IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 9245 of 2004

Between:

Maddala Kousalyamma W/o Late Ramasubbaiah,
Varini Village, Vidavalur Mandal, Nellore District.

..... PETITIONER

AND

1 The District Collector, Nellore.
2 The Mandal Revenue Officer, Vidavalur Mandal, Nellore District.
3 The Environment Engineer, A.P. Pollution control Board, Nellore.
4 Madduluru Srinivasulu S/o Venkateswarlu,
R/o Dandigunta village, Vidavalur Mandal,
Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court be pleased to issue an order, writ or direction more particularly a writ of Mandamus Under Article 226 of Constitution of India, declaring the action of the respondent 1 to 3 in not taking steps to stop the unauthorized conversion of agricultural lands by the 4th respondent in an extent of Acs.1.35 cents in Survey Nos. 656 & 657 of Vanni Village, Vidavalur Mandal, Nellore District without obtaining any permission from the competent authority despite the representations dt.10/05/2004 and 19/05/2004 as illegal, arbitrary, without jurisdiction and violative of Articles 14, 19(1) (g) and 21 of Constitution of India, and consequently direct the respondents 1 to 3 to stop forthwith the activities of 4th respondents from converting the above extent of agricultural land into aqua ponds.

Counsel for the Petitioner: MR.P.SRIDHAR REDDY

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

Counsel for the Respondent No.4: None appeared.

The Court made the following:

ORDER:

The writ petition is filed seeking a direction to respondents 1 to 3 in not taking steps against fourth respondent, who is indulging in illegal, unauthorized and unlawful activity of aqua culture by converting the agricultural lands admeasuring Acs.1.35 in Sy.Nos.656 and 657 of Varini Village of Vidavalur Mandal in Nellore District, without taking permission under Coastal Regulation Zone, causing polluting to ground water and damaging the crops making the lands unfit for cultivation by seepage and percolation of saline water.

Though the interlocutory application is listed today, as the matter is covered by a judgment of the Division Bench of this Court, the matter was heard finally with the consent of learned Counsel for the petitioner and learned Government Pleader for Revenue.

A Division Bench of this Court, to which I was a member, in **Madireddy Padma Rambabu v. District Forest Officer, Kakinada**, considered this aspect of the matter and allowed a batch of writ petitions. Following the same, the writ petition is allowed directing respondents 1 and 2 not to allow any person to carry on the activities of shrimp culture or prawn culture or any type of aqua culture without obtaining the prior permission from the competent authority.

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(V.V.S.RAO, J)

October 12, 2004.

To

1 The District Collector, Nellore.
2 The Mandal Revenue Officer, Vidavalur Mandal, Nellore District.
3 The Environment Engineer, A.P. Pollution control Board, Nellore.
4 Two CCs to the Government Pleader for Revenue,

High Court Buildings, Hyderabad (O.U.T).

5 Two C.D. Copies.